



## DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION\*

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

## Gene Disruption Methodologies For Drug Target Discovery

and for which a patent application:

- is attached hereto and includes amendment(s) filed on *(if applicable)*  
 was filed in the United States on December 20, 2001, as Application No. 10/032,585 *(for declaration not accompanying application)*  
with amendment(s) filed on *(if applicable)*  
 was filed as PCT international Application No. on and was amended under PCT Article 19 on *(if applicable)*

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION |         |                                      |  |
|--|---------|--------------------------------------|--|
| APPLICATION NUMBER   | COUNTRY | DATE OF FILING<br>(day, month, year) | PRIORITY CLAIMED   |
|  |         |                                      | YES <input type="checkbox"/> NO <input type="checkbox"/> |
|  |         |                                      | YES <input type="checkbox"/> NO <input type="checkbox"/> |
|  |         |                                      | YES <input type="checkbox"/> NO <input type="checkbox"/> |

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

| PROVISIONAL APPLICATION NUMBER | FILING DATE       |
|--------------------------------|-------------------|
| 60/259,128                     | December 29, 2000 |
| 60/314,050                     | August 22, 2001   |
|                                |                   |

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

| NON-PROVISIONAL APPLICATION SERIAL NO. | FILING DATE       | STATUS   |         |           |
|--|-------------------|----------|---------|-----------|
|  |                   | PATENTED | PENDING | ABANDONED |
| 09/792,024                             | February 20, 2001 |          | ✓       |           |
|  |                   |          |         |           |
|  |                   |          |         |           |

\* for use only when the application is assigned to a company, partnership or other organization.



PENNIE & EDMONDS LLP DOCKET NO. 10182-016-999

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

|             |                           |                                   |                                    |   |
|-------------|---------------------------|-----------------------------------|------------------------------------|---|
| 2<br>0<br>1 | FULL NAME OF INVENTOR     | LAST NAME<br>Roemer               | FIRST NAME<br>Terry                | MIDDLE NAME   |
|             | RESIDENCE & CITIZENSHIP   | CITY<br>Montreal, Quebec          | STATE OR FOREIGN COUNTRY<br>Canada | COUNTRY OF CITIZENSHIP<br>Canadian                                |
|             | POST OFFICE ADDRESS       | STREET<br>4935 Connaught Avenue   | CITY<br>Montreal, Quebec           | STATE OR COUNTRY<br>Canada  |
|             | SIGNATURE OF INVENTOR 201 |                                   |                                    | DATE<br><i>May 3 2002</i>   |
| 2<br>0<br>2 | FULL NAME OF INVENTOR     | LAST NAME<br>Jiang                | FIRST NAME<br>Bo                   | MIDDLE NAME   |
|             | RESIDENCE & CITIZENSHIP   | CITY<br>Montreal, Quebec          | STATE OR FOREIGN COUNTRY<br>Canada | COUNTRY OF CITIZENSHIP<br>Canadian                                |
|             | POST OFFICE ADDRESS       | STREET<br>5231 Globert Street     | CITY<br>Montreal, Quebec           | STATE OR COUNTRY<br>Canada  |
|             | SIGNATURE OF INVENTOR 202 |                                   |                                    | DATE<br><i>May 3, 2002</i>  |
| 2<br>0<br>3 | FULL NAME OF INVENTOR     | LAST NAME<br>Boone                | FIRST NAME<br>Charles              | MIDDLE NAME   |
|             | RESIDENCE & CITIZENSHIP   | CITY<br>Toronto, Ontario          | STATE OR FOREIGN COUNTRY<br>Canada | COUNTRY OF CITIZENSHIP<br>Canadian                                |
|             | POST OFFICE ADDRESS       | STREET<br>254 Glenrose Avenue     | CITY<br>Toronto                    | STATE OR COUNTRY<br>Ontario                                       |
|             | SIGNATURE OF INVENTOR 203 |                                   |                                    | DATE<br><i>Charlie Boone</i><br><i>April 19, 2002</i>             |
| 2<br>0<br>4 | FULL NAME OF INVENTOR     | LAST NAME<br>Bussey               | FIRST NAME<br>Howard               | MIDDLE NAME   |
|             | RESIDENCE & CITIZENSHIP   | CITY<br>Westmount, Quebec         | STATE OR FOREIGN COUNTRY<br>Canada | COUNTRY OF CITIZENSHIP<br>Canadian                                |
|             | POST OFFICE ADDRESS       | STREET<br>325 Victoria Avenue     | CITY<br>Westmount, Quebec          | STATE OR COUNTRY<br>Canada  |
|             | SIGNATURE OF INVENTOR 204 |                                   |                                    | DATE<br><i>Howard Bussey</i><br><i>14<sup>th</sup> MARCH 2002</i> |
| 2<br>0<br>5 | FULL NAME OF INVENTOR     | LAST NAME<br>Ohlsen               | FIRST NAME<br>Kari                 | MIDDLE NAME<br>L.   |
|             | RESIDENCE & CITIZENSHIP   | CITY<br>San Diego                 | STATE OR FOREIGN COUNTRY<br>CA     | COUNTRY OF CITIZENSHIP<br>United States                           |
|             | POST OFFICE ADDRESS       | STREET<br>3560 Vista De La Orilla | CITY<br>San Diego                  | STATE OR COUNTRY<br>CA  |
|             | SIGNATURE OF INVENTOR 205 |                                   |                                    | DATE<br><i>Kari Oh</i><br><i>May 9, 2002</i>                      |

POWER OF ATTORNEY



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Roemer *et al.*

Application Serial No.: 10/032,585

Group Art Unit: 1636

Filed: December 20, 2001

Examiner: To Be Assigned

For: GENE DISRUPTION METHODOLOGIES      Attorney Docket No.: 10182-016-999  
FOR DRUG TARGET DISCOVERY

**POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTORS UNDER 37 C.F.R. 3.71**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints: Berj A. Terzian (Reg. No. 20060), David Weild, III (Reg. No. 21094), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), Thomas E. Friebel (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), Marcia H. Sundeen (Reg. No. 30893), Paul J. Zegger (Reg. No. 33821), Edmond R. Bannon (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adriane M. Antler (Reg. No. 32605), Thomas G. Rowan (Reg. No. 34419), James G. Markey (Reg. No. 31636), Thomas D. Kohler (Reg. No. 32797), Scott D. Stimpson (Reg. No. 33607), Gary S. Williams (Reg. No. 31066), Ann L. Gisolfi (Reg. No. 31956), Todd A. Wagner (Reg. No. 35399),

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Scott B. Filament (Reg. No. 35514), Kelly D. Talcott (Reg. No. 39582), Francis D. Cerrito (Reg. No. 38100), Anthony M. Insogna (Reg. No. 35203), Brian M. Rothery (Reg. No. 35340), Brian D. Siff (Reg. No. 35679), Michael J. Lyons (Reg. No. 37386), Garland T. Stephens (Reg. No. 37242), William J. Sipio (Reg. No. 34514), Nikolaos C. George (Reg. No. 39201), Stephen S. Rabinowitz (Reg. No. 40286), Ognjan V. Shentov (Reg. No. 38051), and Kenneth L. Stein (Reg. No. 38704), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 3300 Hillview Avenue, Palo Alto, CA 94304, all of Pennie & Edmonds LLP (PTO Customer No. 20583), as its attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. 3.71, provided that, if any one of these attorneys ceases being affiliated with the law firm of Pennie & Edmonds LLP as partner, counsel, or employee, then the appointment of that attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

An assignment of the entire interest in the above-identified subject application:

- was recorded on \_\_\_\_\_ at reel/frame \_\_\_ / \_\_\_\_\_.  
 is submitted herewith for recording.

Please direct all correspondence for this application to customer no. 20583.

ASSIGNEE:

Elitra Pharmaceuticals, Inc.

Signature:

HARRY F. HIXSON, Jr.

Typed Name:

HARRY F. HIXSON, Jr.

Position>Title:

Chairman & CEO

Address:

3510 Dunhill Street, Suite A

San Diego, CA 92121

Date:

5/2002

# COPY

ASSIGNMENT

JOINT

WHEREAS, WE, **Terry Roemer, Bo Jiang, Charles Boone, Howard Bussey**, citizens of Canada and **Kari L. Ohlsen**, citizen of the United States, ASSIGNORS, and residing, respectively, at 4935 Connaught Avenue, Montréal, Québec, Canada, 5231 Globert Street, Montréal, Québec, Canada; 254 Glenrose Avenue, Toronto, Ontario, Canada; 325 Victoria Avenue, Westmount, Québec, Canada; and 3560 Vista De La Orilla, San Diego, CA 92117, are the inventors of the invention in **GENE DISRUPTION METHODOLOGIES FOR DRUG TARGET DISCOVERY** for which we have filed an application for a Patent of the United States

- which is executed on       even date herewith or       \_\_\_\_\_
- which is identified by Pennie & Edmonds LLP docket no. 10182-016-999  
 which was filed on December 20, 2001, Application No. 10/032,585

and WHEREAS, ELITRA PHARMACEUTICALS, Inc., organized and existing under the laws of the state of Delaware, and having an office for the transaction of business at 3510 Dunhill Street, Suite A, San Diego, CA, 92121, ASSIGNEE is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application:

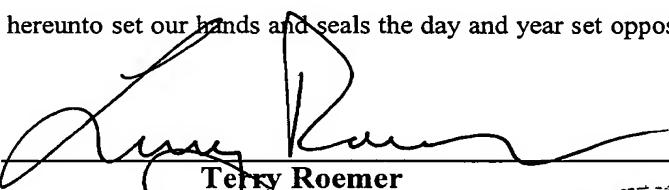
NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date May 3 2002, 2001        
L.S.  
Terry Roemer

State of Canada ) SS.:  
County of Quebec )  
                      )

On May 3, 2002, before me,   
MICHELLE ALAIN  
134.473  
Notary Public,  
personally appeared **Terry Roemer**, personally known to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal



Date May 3, 2002, 2001

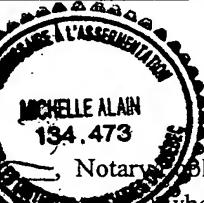
*Bo Jiang*

L.S.

State of Canada)  
County of Quebec) SS.:  
}

On May 3, 2002, before me,

*Michelle Alain*



Notary Public

personally appeared **Bo Jiang**, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

*Michelle Alain*



Date April 19

*2002*

*Charles Boone*

L.S.

Province  
State of Ontario)  
City County of Toronto) SS.:  
ND

On April 19, 2002, before me, Neil Harold Dobbs, Notary Public, personally appeared **Charles Boone**, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

*NH Dobbs*

NEIL HAROLD DOBBS, Notary Public,  
City of Toronto, limited to the attestation of instruments  
and the taking of affidavits, for the University of Toronto.  
Expires April 22, 2002.

Date MARCH 14

*2*

*Howard Bussey*

L.S.

State of QUEBEC, CANADA.  
County of MONTREAL) SS.:  
)

On March 14, 2002, before me,

*Michelle Alain*

personally appeared **Howard Bussey**, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

*Michelle Alain*



Date May 9, 2002 Kari L. Ohlsen L.S.

State of California ss.:  
County of San Diego)

On 5/9/02, 2002, before me, Shawna K. Boles, Notary Public, personally appeared **Kari L. Ohlsen**, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Shawna K. Boles

